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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,463	10/09/2003	Joseph G. Laura	IDF 2449 4000-13600	9210

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EXAMINER	
PHAN, TUANKHANH D	
ART UNIT	**PAPER NUMBER**
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	**Application No.** 10/682,463	**Applicant(s)** LAURA ET AL.
	Examiner TuanKhanh D. Phan	**Art Unit** 2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *13 December 2004*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings (Figures 1 and 2) are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate both "database 22" and "printout file 22". The drawing (Figure 8) is objected to because reference character "22" is not labeled. The drawing disclosures are objected to because drawings are inconsistent. Correction is required. See MPEP § 1.84(l).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheets should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement have been considered by the examiner (see attached PTO-1449).

Specification

3. The disclosure is objected to because of the following informalities: both of the U.S. Patent Application Serial Numbers of the cross-references were left blank. Appropriate corrections are required.

Claim Objections

4. The disclosure is objected to because of the following informalities: Claim 14 is missing a period ".". Appropriate correction is required.

5. Claim 20 is objected to as being of improper dependent form for failing to specify its parent claim. A claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form. To expedite the prosecution,

the examiner will understand that claim 20 depends onto claim 16 as its parent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims **1-2, 4-8,** and **9-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Faybishenko et al. U.S. Patent No. 7,013,303, herein referred to as "Faybishenko et al."

Regarding **claim 1**, Faybishenko et al. teach a system and method for retrieving data retrieved from a service layer comprising requesting nodes to generate request to the service layer (Faybishenko et al., abstract); hub nodes operable to communicate with a client service of the service layer and to receive a response from the service layer (abstract), the response including at least a similar request of the requested data; node(s) operable to analyze at least a portion of the requested data (Col. 2, lines 40-47); and a hub node component operable to format the request data based upon a desired format (Col. 2 lines 44-47; Col. 48, lines 2-65; Col. 49, lines16-60; Col. 51, lines 5-63).

Regarding **claim 2**, Faybishenko et al. teach the method of claim associated with an application server (Col. 1, lines 54-61).

Regarding **claims 4 and 5**, Faybishenko et al. teach a system of claims 1 and 2 comprising a plurality of application interface platforms (Col. 5, lines 45-55, 61-65) including provider information service for managing billing or invoicing transactions (Col. 5, lines 61-67; Col. 10, lines 14-17; Col. 6, lines 15-22).

Regarding **claims 6-8**, Faybishenko et al. teach at least a portion of search results or retrieved data may then be reformatted according to a query routing protocol (QRP) [Col. 2, lines 25-30]. QRP formats comprise different mark-up language formats, such as extensible mark-up language (XML) or HTML [Col. 1, lines 55-66; Col. 2, lines 25-30; Col. 11, lines 35-45].

Regarding **claims 9 and 11**, Faybishenko et al. teach communication network interfaces among nodes or systems are able to distribute request mechanism (abstract) wherein promoting communication with other systems to route messages and data (Col. 2, lines 20-25).

Regarding **claim 10**, Faybishenko et al. teach a system of claim 9 comprising passing a request to other nodes so that at least a result is received and analyzed (Col. 2, lines 20-57; Col. 50, lines 61-67).

Regarding **claim 12**, Faybishenko et al. disclose a management system of application operations having a requestor node providing data request (Col. 51, lines 5-15); a service layer including at least one control system node having a registry and operable to receive the request for data, the request including a source header and a data header (Col. 51, lines 5-15); a client service hub operable to register with the control system nodes and receive the request for data, the client service hub further operable to communicate a requested search related to the data header to the requestor node, and a retrieval service operable to use at least a portion of the source header to retrieve the search related to the data header and couple the results to the client service node (Col. 51, lines 55-60); a receiver node operable to receive a response result from the service layer, the response result including the data based on the search request (Col. 51, lines 43-60); an analysis node operable to check at least a portion of the response result (Col. 50, lines 49-52, 62-67); and a network hub operable to format the at least portion of the response result according to a desired format (abstract; Col. 2 lines 20-57; Col. 48, lines 2-65; Col. 49, lines16-60; Col. 51, lines 5-63).

Regarding **claim 13**, Faybishenko et al. disclose a method of claim 12 having monitoring tool(s) for selecting application, monitoring performance to establish a threshold related to search result, and tracking (Col. 1, lines 39-66; Col. 2 22-64; Col. 5, lines 60-67; Col. 6, lines 14-22).

Regarding **claim 14**, Faybishenko et al. disclose the service layer operable to the distributed information platform is non-invasively from an application, web pages on a mainframe, or data storage (Col. 2 lines 20-57; Col. 6 lines 12-26; Col. 48, lines 2-65; Col. 49, lines16-60; Col. 51, lines 5-63).

Regarding **claim 15**, requestor communicating between control node of the first communication channel and another control node of the second communication channel is disclosed by Faybishenko as discussed in claims 9, 11, and 12 above.

Regarding **claim 16**, Faybishenko et al. disclose a method for processing data results from a service layer (Col. 49, lines 13-17); the method comprising: forming a request (Col. 49, lines 13-17); submitting the request for data to a service layer; receiving at least a portion of the response results from the service layer (Col. 49, lines 15-21); and processing a query to format the data (abstract; Col. 2 lines 20-57; Col. 48, lines 2-65; Col. 49, lines16-60; Col. 51, lines 5-63).

Regarding **claim 17**, Faybishenko et al. disclose a method of claim 16, wherein the query script is further defined as a verification query including programming to monitor a process based on the search request and trigger other nodes to perform a retrieval process based on the search request (Col. 2 lines 20-57).

Claim 18 is rejected for the same reason as discussed in claim 12 above in reference to discussion of claims 16 and 17.

Claim 19 is rejected for the same reason as discussed in claims 4 and 5 above in reference to discussion of claims 16 and 17.

Regarding **claim 20**, Faybishenko et al. disclose the method of claims 16 and 17 wherein the query script is defined as logic to manipulate the requested results (abstract; Col. 2 lines 20-57; Col. 48, lines 2-65; Col. 49, lines16-60; Col. 51, lines 5-63).

Regarding **claims 21 and 22**, Faybishenko et al. disclose the query script is processed prior and automatically when receiving the data result from the service layer (abstract, Col. 2 lines 18-55; Col. 48, lines 2-60; Col. 49, lines15-61).

Regarding **claims 23-26**, Faybishenko et al. disclose the script and requested data contents are in XML or other presentation neutral forms including XML, HTML, and tab delimited formats (Col. 1, lines 55-66; Col. 2, lines 25-30; Col. 11, lines 35-45).

Regarding **claim 27**, Faybishenko et al. disclose hubs, nodes, and applications in communication with other systems or at least another network (Faybishenko et al., Col. 2, lines 20-63).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-2, 6-8, 12, 16,** and **20-27** are further rejected under 35 U.S.C. 102(e) as being anticipated by Thrane U.S. Patent No. 7,149,969, herein referred to as "Thrane."

With respect to **claim 1**, Thrane teaches a system of processing data retrieval from a client server database system that comprises a plurality of operating programs (Thrane, abstract, lines 1-2; Col. 2, lines 50-51); a content request component (Fig. 1, element 104); a receiver component communicate with the client server is typically connected to a database via a server-database link for retrieving data based on a content request (see Thrane, Col. 2, lines 55-57); a multi-stage analyzer to analyze at least a portion of the requested data (Fig. 1, element 206); a presentation transformer to convert a presentation response of the requested data into a desired format (Thrane, Fig. 1; Col. 2, lines 43-57; Col. 3, lines 1-16; Col 3, lines 62-66).

With respect to **claim 2**, Thrane teaches a system of claim 1, wherein the request data is associated with an application or software program (Thrane, Col. 2, lines 36-44).

With respect to **claims 6-8**, Thrane teaches a system of claim 1, wherein the requested data from the database is formatted into specific languages or Stylesheet Languages (Thrane, Fig. 1; Col. 2, lines 43-57; Col. 3, lines 1-16; Col 3, lines 62-66), and/or to be displayed in an Extensible Mark-up Language (XML), Hypertext Markup Language (HTML), Hand-held Device Markup Language (HDML), Wireless Markup Language (WML), or other known Markup languages (i.e. Tab delimited format is considered a type of Stylesheet Language) [Thrane, Fig. 1; Col. 2, lines 43-57; Col. 3, lines 1-16; Col 3, lines 62-66].

With respect to **claim 12**, Thrane discloses a system to manage and control the operations of applications comprising a requestor (abstract; Fig. 1, element 104); a server-client service layer having a identifiers to identify requestors' preferences and locations and a retrieval service to utilize a client's identifier communicating the requested data to the client service (Col. 2, lines 45-57); a plurality of operating programs to receive the request (Col. 2, lines 50-53); and a writer component ("presentation response" Fig. 1 element 106) to format the requested data (Thrane, Fig. 1; Col. 2, lines 43-57; Col. 3, lines 1-16; Col 3, lines 62-66).

With respect to **claim 16**, Thrane discloses a method for processing retrieval data from a service layer (abstract); the method comprising: building a request (Col. 2, lines 47-52), submitting the request (Col. 2, lines 47-52), receiving the request (Col. 2, lines 47-52, and processing a script or an XSLT to format the data (Thrane, Fig. 1; Col. 2, lines 43-57; Col. 3, lines 1-16; Col 3, lines 31-66).

With respect to **claim 20**, Thrane discloses the method of claim 16, wherein an XSLT script is further defined as logic to manipulate the retrieved data (Thrane, Fig. 1; Col. 2, lines 44-59; Col 3, lines 30-63).

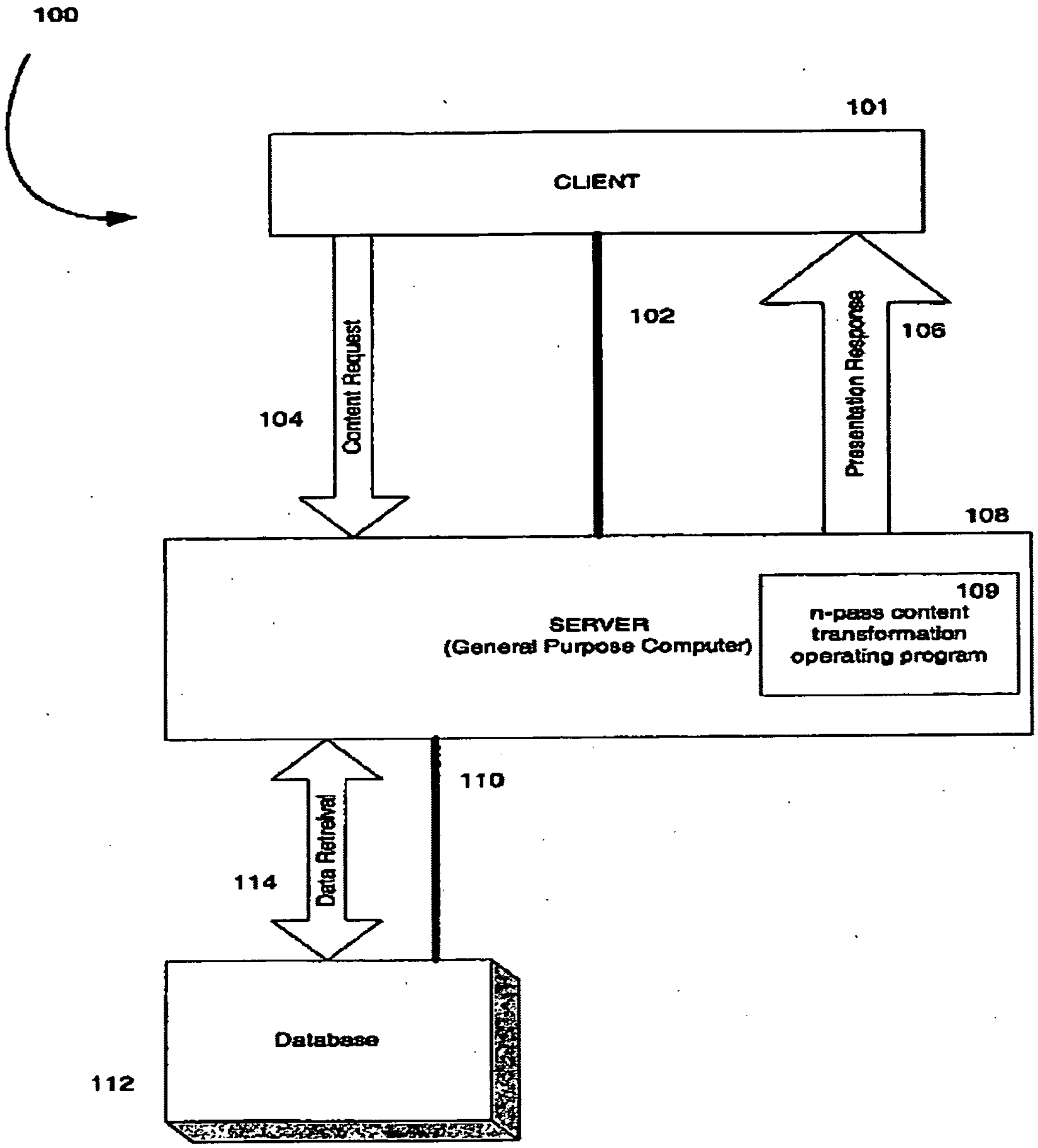

FIG. 1

With respect to **claims 21 and 22**, Thrane discloses the method of claim 16, wherein the script is automatically processed before receiving the analyzed portion of the requested data from the service layer.

With respect to **claims 23-26**, Thrane discloses the method of claim 16, wherein formatting the data content based on the requestor preferences; the presentation response could be in the forms of any known Mark-up Languages and or Stylesheet languages [Thrane, Fig. 1; Col. 2, lines 43-57; Col. 3, lines 1-16; Col 3, lines 62-66], such as, an Extensible Mark-up Language (XML), Hypertext Markup Language (HTML), Hand-held Device Markup Language (HDML), Wireless Markup Language (WML), or a Tab delimited [Thrane, Fig. 1; Col. 2, lines 43-57; Col. 3, lines 1-16; Col 3, lines 62-66].

With respect to **claim 27**, Thrane discloses the method of claim 16, wherein the service layer is operable on a first system and able to pass the formatted data to another computer system as gateway (Col. 2, lines 60-66).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thrane, (US Patent 7,149,969) as applied to claims 1 and 2 above, and further in view of Moran et al. (US Patent No. 6,801,940).

With respect to **claim 3**,Thrane teaches a system of claims 1 and 2 retrieving data from a client server database system that comprises a plurality of operating programs (Thrane, abstract, lines 1-2; Col. 2, lines 50-51); a content request component (Fig. 1, element 104); a receiver component communicate with the client server is typically connected to a database via a server-database link for retrieving data based on a content request (see Thrane, Col. 2, lines 55-57); a multi-stage analyzer to analyze at least a portion of the requested data (Fig. 1, element 206); a presentation transformer to convert a presentation response of the requested data into a desired format (Thrane, Fig. 1; Col. 2, lines 43-57; Col. 3, lines 1-16; Col 3, lines 62-66).

Thrane does not teach a manipulator, per claim 3, to manipulate the analyzed portion of the response to analyze a metric associated with the application.

Moran et al. teach an analysis capable of housing applications to analyze a metric associated with at least an application (abstract; Col. 91, lines 17-39).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate a manipulator operable to manipulate the analyzed portion of the response to analyze a metric associated with the application taught by Moran et al. into a data retrieving system taught by Thrane for the purpose of checking the validity of requested data and the performance of the associated application.

12. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thrane, (US Patent 7,149,969) as applied to claims 12, and further in view of Chelliah et al. (US Patent 5,710,887).

As per **claim 13**, Thrane discloses a system of claim 12 above, but Thrane does not disclose an operations console having a dashboard for selecting applications having data to monitor and establish a threshold related to data of the application and compare the threshold to at least the portion of the response string.

Chelliah et al. teach a system of operations management dashboard to monitor and establish a threshold related to consumer data of the applications and compare the threshold to the corresponding data (Col. 5, lines 40-51; Col. 6 49-57; Fig. 1, element 20).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate an dashboard to select applications monitoring data and establish a threshold taught by Chelliah et al. into the system for managing operations of applications taught by Thrane to reduce the overheads and redundancy in retrieving data and to increase efficiency.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Upton (US Patent No. 7,152,204) [Dec. 19, 2006]; Filing dated: Oct. 15, 2002; Publication date: Jul. 31, 2003. System and Method Utilizing an Interface Component to Query a Document.

Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuanKhanh D. Phan whose telephone number is 571-272-0233. The examiner can normally be reached on Monday to Fri, 9:00am to 5:00pm EST, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PATRICK ASSOUAD
PRIMARY EXAMINER